opportunity for the Government to be heard, the court finds, by a preponderance of the evidence, that—

''(A) the movant was convicted of an offense against the United States; and

''(B) the participation in the offense by the movant was a result of the person having been a victim of trafficking.

''(5) SUPPORTING EVIDENCE.—

''(A) REBUTTABLE PRESUMPTION.—For purposes of this section, there shall be a rebuttable presumption that the movant is a victim of trafficking if the movant includes in the motion—

''(i) a certified copy of an official record of a Federal, State, tribal, or local proceeding, including an approval notice or an enforcement certification generated from a Federal immigration proceeding, that shows that the movant was a victim of trafficking, including a victim of a trafficker charged with a violation of chapter 77; or

''(ii) an affidavit or sworn testimony from a trained professional staff member of a victim services organization, an attorney, a member of the clergy, or a medical or other professional from whom the movant has sought assistance in addressing the trauma associated with being a victim of trafficking.

''(B) OTHER EVIDENCE.—

''(i) IN GENERAL.—For purposes of this section, in determining whether the movant is a victim of trafficking, the court may consider any other evidence the court determines is of sufficient credibility and probative value, including an affidavit or sworn testimony of the movant.

''(ii) AFFIDAVIT OR SWORN TESTIMONY OF MOVANT SUFFICIENT EVIDENCE.—The affidavit or sworn testimony of the movant described in clause (i) shall be sufficient evidence to vacate a conviction under this section if the court determines that—

''(I) the affidavit or sworn testimony is credible; and

''(II) no other evidence is readily available.

''(6) CONVICTION NOT REQUIRED.—It shall not be necessary that any person other than the movant be convicted of an offense against the United States before the movant may file a motion under paragraph (1).

''(7) DENIAL OF MOTION.—

''(A) IN GENERAL.—If the court denies a motion filed under paragraph (1), the denial shall be without prejudice.

''(B) REASONS FOR DENIAL.—If the court denies a motion filed under paragraph (1), the court shall state the reasons for the denial in writing.

''(C) REASONABLE TIME TO CURE DEFICIENCIES IN MOTION.—If the motion was denied due to a curable deficiency in the motion, the court shall allow the movant sufficient time for the movant to cure the deficiency.

''(8) APPEAL.—An order granting or denying a motion to vacate under this section may be appealed in accordance with section 1291 of title 28 and section 3731 of this title.

''(c) EXPUNGEMENT.—

''(1) IN GENERAL.—If the court grants a motion to vacate under subsection (b), the court shall immediately vacate the conviction, set aside the verdict and enter a judgment of acquittal, and enter an expungement order that directs that there be expunged from all official records all references to the—

''(A) arrest of the person for the offense;

''(B) the institution of criminal proceedings against the person; and

''(C) the results of the proceedings.

''(2) EFFECT.—The effect of an order entered under paragraph (1) shall be to restore the person, in the contemplation of the law, to the status the person occupied before the arrest or the institution of the criminal proceedings.

''(d) PRETRIAL MOTION TO DISMISS.—

''(1) IN GENERAL.—A person charged with an offense against the United States may move to dismiss the indictment, information, or complaint if the participation in the offense by the person was a result of the person having been a victim of trafficking.

''(2) APPLICABLE RULES GOVERNING MOTION.—

''(A) IN GENERAL.—A motion described in paragraph (1) shall—

''(i) be deemed to be a motion described in rule 12(b)(3)(B)(v) of the Federal Rules of Criminal Procedure; and

''(ii) except as provided in subparagraph (B), be governed by the rules applicable to that motion.

''(B) RULING ON MOTION.—Notwithstanding rule 12(d) of the Federal Rules of Criminal Procedure, the court—

''(i) shall decide a motion under this subsection before trial; and

''(ii) may not defer ruling on the motion until during or after trial.

''(e) ADDITIONAL ACTIONS BY COURT.—The court may, upon granting a motion under this section take such additional action as the court determines is appropriate.

''(f) CONFIDENTIALITY OF MOVANT.—

''(1) IN GENERAL.—A motion under this section and any documents, pleadings, or orders relating to the motion shall be filed under seal.

''(2) INFORMATION NOT AVAILABLE FOR PUBLIC INSPECTION.—No officer or employee may make any report, paper, picture, photograph, court file or other document, in the custody or possession of the officer or employee, that identifies the movant available for public inspection.

''(g) APPLICABILITY.—This section shall apply to any conviction before or on or after the date of enactment of this section.

''(h) GRANT FOR BEST PRACTICES.—

''(1) IN GENERAL.—On and after the date that is 1 year after the date of enactment of this section, the Attorney General of the United States may make grants to eligible entities to develop, improve, or expand legal services to carry out this section.

''(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out this section, including providing organizations and agencies with funds to train legal aid services on motions practices under this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections of chapter 237 of title 18, United States Code, is amended by adding at the end the following:

''3772. Motion to vacate; expungement; motion to dismiss.''.

APPOINTMENTS

The PRESIDING OFFICER. The Chair announces, on behalf of the majority leader, pursuant to Public Law 101–509, the reappointment of the following individual to serve as a member of the Advisory Committee on the Records of Congress: Deborah Skaggs Speth of Kentucky.

The Chair, on behalf of the Vice President, pursuant to Public Law 93–642, appoints the following Senator to be a member of the Board of Trustees of the Harry S. Truman Scholarship Foundation: The Honorable CLAIRE MCCASKILL of Missouri.

ORDERS FOR TUESDAY, MARCH 10, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Tuesday, March 10; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following leader remarks, the Senate be in a period of morning business until 11 a.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided, with the majority controlling the first half and the Democrats controlling the second half; further, that at 11 a.m. the Senate proceed to the consideration of S. 178 under the previous order, for debate only, until 12:30 p.m., with the time equally divided; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly conference meetings.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Mr. President, reserving the right to object, may I say that for many of our States, climate change is a reality and even a daunting one. We look forward to working on the question posed by the Energy and Natural Resources Committee chair: What do we do? But in order to do so we need something from the majority to work with.

With that said, I do not object, and I thank the majority leader for his courtesy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I might say to my friend from Rhode Island, his amendment on climate change was a part of the Keystone bill the President vetoed. I know he and I have very different views about this. What may be challenging for his State is equally challenging in mine. We have a depression in the coalfields of Eastern Kentucky. It is a pretty grim picture. We all know Rhode Island and Kentucky may see this issue quite differently.

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator BROWN.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WHITEHOUSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL LABOR RELATIONS BOARD RULE

Mr. BROWN. Mr. President, I rise in opposition to S.J. Res. 8 which was passed by this body earlier last week but without a veto-proof majority. It would protect corporations looking to rig union elections, always at the expense of working families. Our labor movement helped build the middle class and fought for protections so many Americans take for granted: overtime pay brought about because of collective bargaining, child labor laws, collective bargaining, and talking to Members of Congress. Child labor laws, safer workplaces, unemployment insurance, workers compensation were all brought about because people came together in unions to organize and bargain collectively and came together in unions to talk to State legislators and Members of Congress in support of unemployment insurance and in support of safer work laws, child labor laws, and workers' compensation.

I am wearing my lapel with a picture of a canary in a birdcage. It was given to me 20 years ago at a workers' Memorial Day rally in Lorain, OH, a city on Lake Erie, about 25 miles west of Cleveland. This picture illustrates what the mine workers used to do 100 years ago. They took a canary down to the mines. If the canary died from lack of oxygen or toxic gas, the mine worker got out of the mines.

He was on his own. He did not have a union in those days strong enough to protect him. He did not have a government in those days that cared enough to protect him. Since the days of the canary in the birdcage down in the mines, we have seen Congress move forward on workers' compensation, on minimum wage, on unemployment insurance, on prohibition of child labor. Much of that progress, many of those advancements were because of the labor movement.

The growing voice of workers at the table was critical to all of these advances made especially in the early part of the 20th century. Then it was Social Security, then it was Medicare and Medicaid, and then it was all of the other things that helped us together, from Head Start to Pell grants, that helped create a middle class.

The labor movement got children out of the sweatshops and into the classrooms. We expanded the rights of workers, we expanded the rights of women, we expanded the rights of people of color, and prosperity followed, shared by a growing portion of the country.

This week I led a delegation with Senator SCOTT—a Republican from South Carolina—to Selma, AL, and also to Montgomery and Birmingham to mark the 50th anniversary of Bloody Sunday, where the young—mostly students—were nonviolently walking across the Edmund Pettus Bridge in Selma, and they were attacked by State troopers and local police and local deputized citizens of Alabama who participated in the melee and beat up a number of those students. That got the Nation's attention, and the Nation pushed Congress to pass the Voting Rights Act. Labor unions were there. Labor unions were there to ensure if we work hard and we take responsibility, we can work in a safe environment, with decent wages and benefits that allow us to take care of our family. But over the last decade that has changed. Workers in working families have paid the price. It used to be as profits went up, wages went up with those profits because the workers who helped those companies be profitable shared in the wealth they created.

That is not socialism. That is what happened in American capitalism for decades after World War II. When profits went up, wages went up, in large part because unions at the bargaining table—through the process of collective bargaining—made sure that as their workers were increasingly productive and companies did better and better and executive salaries went up, workers got a piece of the pie. But since the 1970s, profits have gone up, but wages have been pretty stagnant. American workers, our workers, continue to be the most profitable and most productive and talented in the world, but the rewards for productivity gains go to an ever-dwindling number of the richest Americans. So as companies do better and better and stockholders do better and better, as profits go up and up, workers simply have not shared in the wealth they have created. They have not gotten their piece of the pie that they have earned. A big part of that is the decline of the labor movement. Today the middle class accounts for the smallest share of our national income since World War II. I will say that again. The middle class accounts for the smallest share of our national income since World War II.

It is not a coincidence that workers are reaping fewer of the rewards of their work while union membership has declined. That is why the National Labor Relations Board proposed the rule change which is so important and why it is critical that Republican efforts—Republicans, again, doing it on behalf of the largest corporations in America—are not successful. This change would make modest, commonsense reforms to modernize and streamline the election process by which workers form unions.

Right now companies seeking to block workers' rights to form a union can delay elections sometimes up to 2 years, and they can drag out anti-union campaigns, they can intimidate workers, and they can find reasons to fire organizers. Delay works in the corporations' favor, as workers leave the jobs, as workers who wanted the union get discouraged from the union, and delay almost always works on the side of the employer.

Workers have a right to timely elections, the right to make up their own minds free of intimidation. Choosing one's representation is a right we cherish as Americans, and the National Labor Relations Board rule preserves it for our workers. The NLRB rule would cut back on the frivolous court cases these corporations file over and over, these frivolous court cases that companies use to stall elections. It would allow NLRB hearing officers to move forward with an election despite pending litigation, the stalling tactics of frivolous lawsuits to ensure workers aren't silenced by expensive legal battles.

These reforms will not only help workers but also help businesses that act in good faith by streamlining the election process. This isn't an antibusiness move the workers and unions want to engage in, it is a cooperative move because moving quickly will bring everybody to the table more quickly.

Right now the election process varies widely from State to State. It relies on outdated forms of communication. This change will provide certainty to workers and businesses alike and will allow both to file electronically instead of only by mail, saving everyone time and money.

The lobbying effort by corporations on this is opposed to filing electronically. Imagine that. It is 2015. Why do they want to do that? Because they want to slow down the process. We know the consequences. Stalling tactics have real consequences for workers. We have seen that over and over again.

In Massillon, OH—a city near Canton, south of Akron, in Northeast Ohio—nurses at Affinity Medical Center elected to form a union in August 2012. Ann Wyat, who was awarded Nurse of the Year, was fired for leading the activities for unionization. The company did everything it could to crush the unionizing efforts. I have been to that hospital. I have met with those nurses. I have talked to them about this. The NLRB found in favor of the workers, ruling that Affinity Medical refused to bargain and used illegal coercion and intimidation tactics, but still the company refused to comply with Federal labor law. The matter went to Federal court, which ruled in favor of the nurses and filed an injunction against Affinity Medical for failing to follow NLRB rulings, for breaking Federal law.

Last month a jury in a civil court ruled unanimously and awarded the wrongfully terminated nurse $2 million in damages. It was serious enough what they did to this nurse that the jury ruled this nurse was due $2 million, not just because of the inconvenience to the nurse and the denial of her rights but the punishment for a company that breaks the law.

Two and a half years later Affinity Medical is still stalling, and no contract has been agreed to. The nurses in Massillon deserve better. All workers deserve better. That is the importance of this NLRB ruling, to make it a more level playing field.